

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERROD L. HERNDON,  
Plaintiff,  
v.  
TOM PORTER,  
Defendant.

Case No. 16-cv-01975-HSG (PR)

**ORDER OF DISMISSAL**

On April 14, 2016, plaintiff, a California state prisoner currently incarcerated at the RJ Donovan Correctional Facility, filed the above-titled *pro se* civil rights action under 42 U.S.C. § 1983. On August 1, 2016, the Court reviewed the complaint pursuant to 28 U.S.C. § 1915A and dismissed it with leave to amend to cure specific deficiencies. On August 24, 2016, plaintiff filed his amended complaint.

The amended complaint fails to cure the deficiencies identified in the Court's order of dismissal with leave to amend. Plaintiff appears to allege claims against his parole officer but, as with his original complaint, he fails to state clearly what happened, when it happened, and what defendant did that could rise to the level of a federal constitutional violation. In sum, the amended complaint contains no facts to allege the essential elements of a Section 1983 claim.


Accordingly, this case is **DISMISSED** because the amended complaint fails to state a cognizable claim for relief. Further leave to amend will not be granted because the Court already

1 has explained to plaintiff the specific deficiencies in his pleading, and he has been unable or  
2 unwilling to correct them.

3 The Clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: 8/31/2016

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8 HAYWOOD S. GILLIAM, JR.  
9 United States District Judge  
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United States District Court  
Northern District of California